

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year)	See form PCT/ISA/210
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Applicant's or agent's file reference 1586 PCT		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/DE2005/000336	International filing date (day/month/year) 25.02.2005	Priority date (day/month/year) 27.02.2004
International Patent Classification (IPC) or both national classification and IPC B60R21/20		
Applicant ZF FRIEDRICHSHAFEN AG		

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	3, 5-11	YES
	Claims	1, 2, 4	NO
Inventive step (IS)	Claims	9	YES
	Claims	1-8, 10, 11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO
2. Citations and explanations:			
1 Reference is made to the following documents:			
D1: US 5 597 176 A (KIKUCHI ET AL.) 28 January 1997 (1997-01-28)			
D2: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 25, 12 April 2001 (2001-04-12) & JP 2001 213326 A (NIPPON PLAST CO LTD), 7 August 2001 (2001-08-07)			
D3: US 2003/214119 A1 (GROSSMANN UWE ET AL.) 20 November 2003 (2003-11-20)			
2 INDEPENDENT CLAIM 1			
2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).			
D1 - see figures 1-4 and column 3, lines 35-55 - discloses (the references between parentheses apply to this document):			
"an arrangement for fixing the gas generator (5) of an airbag unit which essentially comprises an airbag housing (7) with an inflatable airbag (4) fixed			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

therein, a generator chamber (6) connected to the airbag housing, the gas generator (5) coupled to a priming unit, and a diffuser for the gas flowing, when the airbag is primed, out of the gas generator (5) into the airbag, the gas generator (5) being held by the generator chamber (6) and being mounted therein, by an axial end, in a fixed bearing (10), characterized in that, in the region of the free axial end of the gas generator (5) which lies opposite the fixed bearing (10), a plate-like, spring-elastic fastening element (8) is pressed between the outer circumference of the said gas generator and the inner circumference of the generator chamber (6) protruding axially over the gas generator (5), the fastening element, in a section between the outer wall of the gas generator (5) and the inner wall of the generator chamber (6) being curved, under prestress, in the axial direction (x) into the generator chamber (6) where it, at least partially engaging around the bottom of the gas generator (5) formed at this axial end and sealing the generator chamber (6), interlocks with its outer circumference on the inner wall of the generator chamber (6)."

The subject matter of claim 1 is also known from D2.

3 DEPENDENT CLAIMS 2, 4

Claims 2, 4 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step because the subject matter of

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Box No. V

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claims 2 and 4 is known from D1.

4 DEPENDENT CLAIMS 5-8

The features of these claims are only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problems of interest, without thereby being inventive.

5 DEPENDENT CLAIMS 10 AND 11

Claims 10 and 11 are not grantable at least for formal reasons.

6 DEPENDENT CLAIMS 3 AND 9

The combination of features contained in the dependent claims (1+2+3+9) is neither known from the available prior art nor is it rendered obvious by it. The reasons are as follows:

- the problem addressed by the present invention can therefore be considered that of simplifying the installation
- none of the cited documents shows the claimed combination of features nor does it render it obvious.

Comment

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.